

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 970866278 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 14, 2004

Signature:

(Alisa M. Haggemo)

Docket No.: 65858-0018
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of: FARMER et al.

Serial No.: 10/619,035

Group Art Unit: 2873

Filed: 07/14/2003

Examiner: Unknown

For: SYSTEM OR METHOD FOR SEGMENTING IMAGES

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313

PETITION

**PURSUANT TO 37 CFR 1.47 INVOLVING THE REFUSAL
OF CO-INVENTORS TO EXECUTE THE POWER OF ATTORNEY**

Pursuant to 37 CFR 1.47, counsel for the inventors makes the above-identified Petition according to the following facts:

1. The Patent Office issued A Notice to File Missing Parts of Nonprovisional Application—Filing Date Granted, on October 14, 2003. A copy of the Notice is attached as Exhibit A.

2. As of today's date, all of the necessary Power of Attorney documents have been executed by Li Wen, but not by Michael Farmer or Xunchang Chen.

3. At the time that the above-identified application was filed, Eaton Corporation employed Messrs. Farmer and Chen. Sometime after the application was filed, Messrs. Farmer and Chen ceased their employment with Eaton Corporation.

4. On December 12, 2003, an electronic communication was sent to all three inventors at Eaton Corporation requesting that they execute the Power of Attorney for the above-identified application. A copy of the electronic communication sent is attached as Exhibit B.

5. Upon information and belief, in-house counsel for Eaton Corporation also attempted to obtain the signatures of the inventors, but was unable to do so.

6. On December 7, 2004, the undersigned made a final attempt to secure the inventor signatures by sending a letter and additional copies of the Declaration and Power of Attorney and Assignment via Federal Express delivery as well as enclosing a prepaid Federal Express label and envelope for return of the documents. A copy of the letters sent is attached as Exhibit C. Mr. Wen called the undersigned and returned the executed papers. No response has been received from the other two inventors.

7. On October 22, 2004, Applicant received a Notice of Abandonment dated October 20, 2004. A copy of the Notice is attached as Exhibit D.

37 CFR 1.47(a) notes that if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. It is respectfully submitted that with the submission of Combined Declaration and Power of Attorney documents from Li Wen, the application for patent has been appropriately made by one of the other inventors. Further, in view of the facts noted above, it is respectfully submitted that diligent effort has been made to provide the non-signing inventors with the necessary document.


Therefore, in view of the foregoing statements and accompanying exhibits, it is respectfully submitted that a proper showing has been made pursuant to 37 CFR 1.47 to address the Notice to File Missing Parts.

Respectfully submitted,

Date: December 14, 2004

Customer No. 010291

Telephone No. (248) 594-0600

By: 
Michael B. Stewart, Esq. (36,018)
Rader, Fishman and Grauer PLLC
39533 Woodward Ave., Suite 140
Bloomfield Hills, Michigan 48304
Attorneys for Applicants

R0274723.DOC



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/619,035	07/14/2003	Michael E. Farmer	65858-0018/02-rASD-146

10291
 RADER, FISHMAN & GRAUER PLLC
 39533 WOODWARD AVENUE
 SUITE 140
 BLOOMFIELD HILLS, MI 48304-0610



CONFIRMATION NO. 6052

FORMALITIES LETTER



OC000000011028272

Date Mailed: 10/14/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 10.
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 7, 8, 12, 13, 14.

SUMMARY OF FEES DUE:

12/16/2004 AWONDAF1 00000009 180013 10619035

01 FC:1051 130.00 DA

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART I - ATTORNEY/APPLICANT COPY

Jennifer S. Greer

From: Christopher J. Falkowski
Sent: Friday, December 12, 2003 2:02 PM
To: 'michaelefarmer@eaton.com'
Cc: 'liwen@eaton.com'; 'xunchangchen@eaton.com'; Jennifer S. Greer
Subject: Inventorship Documents

Michael:

We sent a hard copy of these documents to Eaton back in the Fall, but I suspect that something must have fallen through the cracks. If you could facilitate all three of the inventors executing the attached documents, we would very much appreciate it. If there is anything we can do to facilitate this process, please let me know.

Regards,
Chris

Track Shipments
Detailed Results[? Quick Help](#)

Tracking number	470264042169	Reference	65858-0018, 0021
Signed for by	S.FARMER	Delivery location	CLARKSTON, MI
Ship date	Dec 7, 2004	Delivered to	Residence
Delivery date	Dec 8, 2004 10:38 AM	Service type	Priority Pak
		Weight	1.0 lbs.

Status Delivered

Date/Time	Activity	Location	Details
Dec 8, 2004	10:38 AM	Delivered	CLARKSTON, MI
	8:23 AM	On FedEx vehicle for delivery	AUBURN HILLS, MI
	7:45 AM	At local FedEx facility	AUBURN HILLS, MI
Dec 7, 2004	10:11 PM	At dest sort facility	ROMULUS, MI
	7:59 PM	Picked up	SOUTHFIELD, MI
	5:28 PM	Left origin	SOUTHFIELD, MI
	4:43 PM	Package data transmitted to FedEx; package not in FedEx possession	

[Signature proof](#)[Track more shipments](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From

To

Add a message to this email.

[Send email](#)

RADER,

FISHMAN

& GRAUER

PLLC

39533 Woodward Avenue
Suite 140
Bloomfield Hills, Michigan 48304
Tel: (248) 594-0600
Fax: (248) 594-0610

Michael B. Stewart
(248) 594-0633
mbs@raderfishman.com

VIA FEDERAL EXPRESS

December 7, 2004

Ref: 65858-0018, 0021 Date: 12/07/2004
Wgt: 1.0 LBS
SHIPPING: 11.02
SPECIAL: 3.18
HANDLING: 0.00
DV: 0.00 TOTAL: 14.20

Michael Farmer
6711 Ridgeview Drive
Independence Township, MI 48346-4461

Svcs: PRIORITY OVERNIGHT RES
TRCK: 4702 6404 2169

Re: U.S. Patent Application No. 10/619,035 for SYSTEM OR METHOD FOR
SEGMENTING IMAGES
Filing on: July 14, 2003
Inventor: Michael E. Farmer, et al.
Eaton No. 02-rASD-146; Our Reference: 65858-0018

Dear Michael:

As you know, we prepared and filed the above-identified patent application on which you are named as an inventor (a copy of the application is enclosed for your records).

Since you are a named inventor on this application, the U.S. Patent and Trademark Office requires that you sign a combined declaration and power of attorney regarding this application. As part of your previous employment with Eaton Corporation, and the fact that the invention was developed while you were with Eaton Corporation, we also need you to sign an assignment, formally transferring rights to the invention. We enclose copies of these papers for your signature. Your signature on the assignment must be witnessed by two people. Once the papers have been fully executed, please return them to our office. We have enclosed a self-addressed, stamped Federal Express envelope for the return of the papers. We kindly ask that you send the executed papers back to our office by **December 13, 2004**, for filing with the U.S. Patent and Trademark Office. We apologize for the short notice. The Declaration and Power of Attorney and Assignment were originally sent to you electronically on December 12, 2003, although we never received the executed documents back from you. We understand that Eaton Corporation's in-house counsel has also been in touch with you subsequent to our original communication but the papers were not executed.

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Bloomfield Hills

Washington, D.C.

Salt Lake City

Tokyo

RADER,

FISHMAN

& GRAUER

PLLC

Michael Farmer
December 7, 2004
Page 2

Of course, as an inventor, your name will appear on any issued patent. We would be happy to send you a copy of any such patent when it issues.

Thank you for your cooperation and prompt attention to this matter. Please contact us if you have any questions.

Very truly yours,

RADER, FISHMAN & GRAUER PLLC



Michael B. Stewart

MBS/amh
Enclosures

R0274002.DOC

Track Shipments
Detailed Results[? Quick Help](#)

Tracking number	470264042147	Reference	65858-0018,0020
Signed for by	Signature release on file		,0021
Ship date	Dec 7, 2004	Delivery location	ANN ARBOR, MI
Delivery date	Dec 8, 2004 10:24 AM	Delivered to	Residence
		Service type	Priority Pak
		Weight	1.0 lbs.

Status Delivered

Date/Time	Activity	Location	Details
Dec 8, 2004	10:24 AM Delivered	ANN ARBOR, MI	Left at front door. No signature required - release waiver on file
	8:47 AM On FedEx vehicle for delivery	ANN ARBOR, MI	
	7:00 AM At local FedEx facility	ANN ARBOR, MI	
Dec 7, 2004	10:11 PM At dest sort facility	ROMULUS, MI	
	7:59 PM Picked up	SOUTHFIELD, MI	
	5:28 PM Left origin	SOUTHFIELD, MI	
	4:43 PM Package data transmitted to FedEx; package not in FedEx possession		

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Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From

To

Add a message to this email.

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RADER,

FISHMAN

& GRAUER

PLLC

39533 Woodward Avenue
Suite 140
Bloomfield Hills, Michigan 48304
Tel: (248) 594-0600
Fax: (248) 594-0610

Michael B. Stewart
(248) 594-0633
mbs@raderfishman.com

VIA FEDERAL EXPRESS

December 7, 2004

rf: 65858-0018,0020, Date: 12/07/2004
ip: Wgt: 1.0 LBS

SHIPPING: 11.02
SPECIAL: 1.43
HANDLING: 0.00
TOTAL: 12.45

DV: 0.00

Svcs: **PRIORITY OVERNIGHT**
TRCK: 4702 6404 2147

Xunchang Chen
307 S Division St
Ann Arbor, MI 48104-2203

Re: U.S. Patent Application No. 10/619,035 for SYSTEM OR METHOD FOR
SEGMENTING IMAGES
Filing on: July 14, 2003
Inventor: Michael E. Farmer, et al.
Eaton No. 02-rASD-146; Our Reference: 65858-0018

Dear Mr. Chen:

As you know, we prepared and filed the above-identified patent application on which you are named as an inventor (a copy of the application is enclosed for your records).

Since you are a named inventor on this application, the U.S. Patent and Trademark Office requires that you sign a combined declaration and power of attorney regarding this application. As part of your previous employment with Eaton Corporation, and the fact that the invention was developed while you were with Eaton Corporation, we also need you to sign an assignment, formally transferring rights to the invention. We enclose copies of these papers for your signature. Your signature on the assignment must be witnessed by two people. Once the papers have been fully executed, please return them to our office. We have enclosed a self-addressed, stamped Federal Express envelope for the return of the papers. We kindly ask that you send the executed papers back to our office by **December 13, 2004**, for filing with the U.S. Patent and Trademark Office. We apologize for the short notice. The Declaration and Power of Attorney and Assignment were originally sent to you electronically on December 12, 2003, although we never received the executed documents back from you. We understand that Eaton Corporation's in-house counsel has also been in touch with you subsequent to our original communication but the papers were not executed.

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Computer and Internet Law • Trade Secrets • Unfair Competition*

Bloomfield Hills

Washington, D.C.

Salt Lake City

Tokyo

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FISHMAN

& GRAUER

PLLC

Xunchang Chen
December 7, 2004
Page 2

Of course, as an inventor, your name will appear on any issued patent. We would be happy to send you a copy of any such patent when it issues.

Thank you for your cooperation and prompt attention to this matter. Please contact us if you have any questions.

Very truly yours,

RADER, FISHMAN & GRAUER PLLC



Michael B. Stewart

MBS/amh
Enclosures

R0274016.DOC



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/619,035	07/14/2003	Michael E. Farmer	65858-0018/02-rASD-146

CONFIRMATION NO. 6052

ABANDONMENT/TERMINATION
LETTER

OC000000014144795

10291
 RADER, FISHMAN & GRAUER PLLC
 39533 WOODWARD AVENUE
 SUITE 140
 BLOOMFIELD HILLS, MI 48304-0610

Date Mailed: 10/20/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/14/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/619,035	07/14/2003	Michael E. Farmer	65858-0018/02-rASD-146

10291
 RADER, FISHMAN & GRAUER PLLC
 39533 WOODWARD AVENUE
 SUITE 140
 BLOOMFIELD HILLS, MI 48304-0610

CONFIRMATION NO. 6052

ABANDONMENT/TERMINATION
LETTER

OC000000014144795

Date Mailed: 10/20/2004

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Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 10/14/03.

Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center

Initial Patent Examination Division (703) 308-1202